

REMARKS:

Claims 139-147, 157-174, and 184-210 were pending in the application. Claims 193, 209 and 210 have been canceled. Claims 139, 140, 142-144, 147, 157-160, 163, 166-169, 171, 174, 184, 185, 189-191, 197, 198, 200-203, 205, and 206 have been amended. No claims have been added. Therefore, claims 139-147, 157-174, 184-192, and 194-208 are now pending in this application.

Support for the present amendments is found in the originally-filed specification, including at least page 11, lines 25-28; page 15, TABLE 2; and FIG. 6. No new matter is added.

Statement of Substance of Interview

Applicant thanks the Examiner for extending the courtesy of conducting a telephone interview on October 7, 2009. Participating in the interview were Examiner Amin and Applicant's undersigned representative. Applicant's proposed claim amendments were discussed in view of the cited art. The Examiner agreed that the amendments presented herein will overcome the pending art-based rejections.

Previously-Proposed Examiner's Amendment

On June 16, 2009, Examiner Amin proposed an Examiner's Amendment that was believed would result in allowance of the pending claims. To bring the claims to issue, Applicant's undersigned representative agreed to the proposed Examiner's Amendment. A subsequent search by the Examiner resulted in the art-based rejections of the present Office Action. Applicant has verified with the Examiner that the proposed Examiner's Amendment was not entered.

Amendment to the Specification

Support for the present amendment to the specification can be found in the originally-filed specification, including at page 25, lines 12 - 16; page 28, line 29 - page 29, line 4. No new matter is added.

Claim Objection

Claim 193 is objected to as being of improper dependent form. Claim 193 is canceled herein. Accordingly, the objection is moot.

Rejection Under § 112, Second Paragraph

Claims 139-147, 166-174, 191-192 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Amendments to the claims are presented herein that are believed to address the Examiner's concerns. Withdrawal of this rejection is respectfully requested.

Rejection Under § 112, First Paragraph

Claims 209 and 210 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant disagrees with the rejection. However, claims 209 and 210 are canceled herein to bring the pending claims to issue more rapidly.

Art-Based Rejections

All pending claims stand rejected under various combinations of Mochizuki et al. (US 6044248), Rabb (US 2002/0075284), Cabbage et al. (US 6606486), and Haataja (US 6137836). Applicant respectfully disagrees with the rejections. However, amendments are presented herein in an effort to bring the claims to issue more rapidly. In view of the present claim amendments and the remarks below, withdrawal of the present rejections of the pending claims is respectfully requested.

Claim 139 has been amended to recite “the at least one animation property is indicative of movement of the at least one part image along a trajectory.” Support for this feature can be found in the originally-filed specification, including at least page 11, lines 25-28; page 15, TABLE 2; and FIG. 6. As discussed below, Applicant submits the cited references fail to teach or disclose “[a] **wireless communication device creating a text message that includes an image representative code sequence having ... at least one animation property**” that

“relates to movement of the at least one part image along a trajectory,” as is recited in claim 139.

The Mochizuki reference is directed to “a selective call receiver which is capable of easily analyzing and displaying a message containing graphic images and characters.” Mochizuki at col. 1 lines 50-54. As noted in the Office Action, Mochizuki teaches “a parameter value associated with the only animation property (image switching period) in the message code.” Office Action at 8. However, Mochizuki teaches that:

More specifically, a screen of the display is **equally divided into a plurality of displaying locations which correspond to predetermined data positions** of the message. The display **location of the graphic image unit is determined depending on which of the predetermined data positions of the message is selected** to store the graphic image unit code. Therefore, by selecting a plurality of predetermined data positions of the message, it is possible to **display a single graphic image unit repeatedly at displaying locations corresponding the plurality of predetermined data positions.**

Mochizuki at col. 2, lines 15-25. In contrast, claim 139 recites “**movement of the at least one part image along a trajectory.**” Thus, Mochizuki fails to teach or suggest all features of claim 139.

The other cited references do not cure the deficiencies of Mochizuki. Rabb is directed to “a system and method for the display of a transition between one member of a value set to another member of a value set.” Rabb at [0011]. Cubbage is directed to a “text entry method [that] simplifies entry of the text messages.” Cubbage at Abstract. Haataja is directed to a “method of transmitting pictorial data [that] provides for reduction of required transmission bandwidth by constructing the pictorial data in the form of a composite image of primitive pictures.” Haataja at Abstract. None of these references teach or suggest the features “[a] wireless communication device creating a text message that includes an image representative code sequence having . . . at least one animation property” that “relates to movement of the at least one part image along a trajectory” recited in claim 139.

For at least the reasons stated above, the cited references do not teach or suggest all of the features recited in claim 139. Thus, a § 103 rejection of claim 139 is not supported. Similar remarks apply to the claims that depend from claim 139, and stand rejected on similar grounds. These remarks also apply to independent claims 157, 166, 184, 197, 201, and 205, and the claims

that dependent from them. Accordingly, Applicant respectfully requests reconsideration and removal of the present rejections.

Applicant also submits that numerous additional ones of the dependent claims recite further distinctions over the cited art. For example, the features “wherein the movement of the at least one part image includes changing trajectory to simulate bouncing from a boundary,” recited in claim 142, and “wherein the trajectory includes a curved path,” recited in claim 143 are not taught or suggested by the cited references.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6257-32303/EM.

Respectfully submitted,

Date: October 19, 2009

By: /Eric B. Min/
Eric B. Min
Reg. No. 54,761
Attorney for Applicant

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800